

Heard the learned counsel for the plaintiff on IA No.I to VI. Considering the urgency pleaded pre institution mediation procedure is dispensed with. Accordingly, IA No.I is allowed. IA No.II is filed by the plaintiff seeking to dispense with the production of original documents i.e. Partnership Deed of M/s MRT Music and Deed of assignment. Considering the annexed affidavit averments of IA No.II, same is allowed and the plaintiff shall produce the same as and when called for by this court or at the time of trial.

I have carefully considered all documents produced along with the plaint also the CD produced by plaintiff by playing the same in court system. Plaintiff has specifically produced CD showing the side by side file i.e., original version of his copyrighted work with that of the illegally synchronized version. These prima facie materials available before this court at this stage establishes that if same is encouraged plaintiff who is in the business of acquiring cinematography films, songs, music albums etc., will be put to irreparable injury and further same leads to encouraging the piracy at large. Considering the same and its impact on

the business of the plaintiff, defendants 1 to 3 and 5, their managers, employees, family agents and all other acting for, claiming under or through them are restrained by an order of ex parte ad-interim injunction from unauthorizedly and illegally using the copyrighted work owned by the plaintiff and illegally synchronizing, from distributing pirated copies of the same and also restrained from illegal uploading, storing, posting, communicating to the public, digitally transmitting the work held by the plaintiff as per document No.2 and 4 till next date.

Further, heard learned counsel for plaintiff on IA No.IV and V. Relying upon the documents produced by the plaintiff more particularly two CDs with regard to copyright piracy and also considering the prima facie material available against defendants 1 to 3 for having infringed the statutory copyright owned and held by the plaintiffs who has unauthorizedly and illegally used the sound records of the film **KGF** chapter-2 by affixing their logo on the said videos and further considering the provisions of Sec.79 of IT Act, 4th defendant is directed to remove and take down the links from its platform <https://twitter.com/INCIndia/status/15798>

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7NrK40kNu4ZzCsA,
https://twitter.com/INCIndia/status/1582956022112526338Ps=20&t+23a2zW8HPN C9VHEAEMR0Q and https://twitter.com/INCIndia/status/1581604321996611586Pt=8dksS4cPfpypWf4_mxw9hg&s=08 till further orders and further block the social media <https://twitter.com./INCIndia.>, <https://twitter.com/Bharatjodo> till next date. Plaintiff to comply the ad-interim order passed by this court against defendants as per the provisions of Order XXXIX Rule 3 CPC by 07.11.2022.](https://twitter.com/INCIndia/status/1582956022112526338Ps=20&t+23a2zW8HPN C9VHEAEMR0Q)

Issue TI warrant in respect of IA No.III to V and further plaintiff also filed I.A.No.VI under order 39 Rule 1 and 2 r/w sec. 151 CPC for authorizing a technical expert to inspect, conduct electronic audit and preserve the infringing material available in the following social media i. <https://twitter.com/INCIndia>; ii. <https://twitter.com/bharatjodo>; iii. <https://www.youtube.com/c/BharatJodoYatra/featured>; iv. <https://www.instagram.com/bharatjodo/>; v. <https://t.me/bharatjodoyatra>; vi. <https://www.facebook.com/BharatJodo/>. It is submitted by learned counsel for plaintiff that, everyday their music has been

used by infringing their rights and thereby not only damaging the goodwill and also causing irreparable loss and injury to the plaintiff. It is further mentioned that to preserve their right, it is necessary to appoint technical person as a Commissioner to inspect and conduct necessary electronic audit and also to seize or preserve the infringing material. Learned counsel relief upon various citations passed by Hon'ble High Court with regard to procedure followed in such cases.

Perused the plaint averments, affidavit annexed to I.A.No.VI and the suit documents and also 2 CDs produced by plaintiff. As I have already mentioned, the side by side recorded material available in the CD establishes the piracy act of the defendants herein. These materials prim facie establishes infringement of the plaintiff's copyright in music system and same is made out. This court is convinced that object of granting an injunction would be defeated by delay if commissioner is not appointed to make local inspection. Accordingly, Sri. S.N. Venkateshmurthy, District System Administrator of Computer Section, Commercial Court, Bengaluru is appointed as Local

Commissioner to visit the defendants 1 to 3 website, conduct electronic audit and preserve the infringing materials available in the above social media and prepare inventory of the same and store the same in this court's system and separate CD. The plaintiff's representatives are permitted to accompany the Technical Commissioner appointed by this court and to take photos or videographs of the commission proceedings.

The local commissioner's fee is tentatively fixed at Rs.40,000/-, same shall be paid to him forthwith by way of cash/ online transfer.

The plaintiff shall comply with the order 39 Rule 3 CPC within 24 hours of execution of the commission. Thereafter issue suit summons on main suit and notice of ex-parte T.I., order and notice of I.A.No.3 to 6 through Speed Post and also by Email to the defendants if available to avoid delay and list this matter on 21.11.2022.

LXXXV ACCJ & SJ, BENGALURU

07/11/22